

RUSA HAD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Gabriel HERNANDEZ-Arviso

Defendant.

Magistrate Case No.: **08 MJ 87 19**

COMPLAINT FOR VIOLATION OF


21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about August 12, 2008, within the Southern District of California, defendant Juan Gabriel HERNANDEZ-Arviso did knowingly and intentionally import approximately 40.82 kilograms (89.80 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


LORENA MULVIHILL
Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, August 13, 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Juan Gabriel HERNANDEZ-Arviso

4 STATEMENT OF FACTS

5 This complaint is based on the personal observations,
6 investigation, and information furnished to U. S. Immigration and
7 Customs Enforcement Special Agent Lorena Mulvihill.

8 On August 12, 2008, at approximately 0940 hours, Customs and
9 Border Protection (CBP) Canine Enforcement Officers (CEO) J.
10 Jones and C. Randolph were conducting pre-primary roving
11 operations with a Human Narcotic Detector Dog (HNDD) when the
12 HNDD alerted to a green Range Rover bearing California license
13 plate 6EUY956.

14 CBPO H. Equihua received a negative Customs declaration from
15 HERNANDEZ and questioned HERNANDEZ about his destination.
16 HERNANDEZ stated he was on his way to Wal-Mart. CBPO Equihua
17 inquired about the vehicle's owner, and HERNANDEZ stated the
18 vehicle belonged to a friend. HERNANDEZ and his vehicle were
19 escorted to the vehicle secondary lot for further examination.

20 In the vehicle secondary area, CBPO A. Zuniga assumed
21 examination of the vehicle. CBPO Zuniga was informed of the HNDD
22 alert. Examination of the vehicle revealed several packages.
23 One package was randomly chosen and probed, exposing a green
24 leafy substance. A sample of the substance was tested and proved
25 positive for marijuana. A total of twenty (23) packages, with a
26 total weight of 40.82 kilograms (89.80 pounds) were removed from
27 the vehicle.
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